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AF IFW

Docket No.: C2432.0037/P001  
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Lars Wiklund et al.

Application No.: 09/773,394

Confirmation No.: 5538

Filed: January 31, 2001

Art Unit: 1617

For: PRESERVATION OF BODILY PROTEIN

Examiner: M. Bahar

REQUEST TO REMAIL EXAMINER'S ANSWER

MS Appeal Brief - Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

It is respectfully requested that the Examiner's Answer apparently mailed on July 14, 2004, be re-mailed and date for Reply based on the re-mailing date. The reason for this request is that the copy received by the undersigned included the attached page. As a result, pages 7 and 8 of the Examiner's answer cannot be comprehended.

Dated: July 28, 2004

Respectfully submitted,

By Edward A. Meilman

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Registration No.: 24,735

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1 to a single composition. However, this  
patentable feature. Indeed, it is well  
does not become patentable  
inferior to some other product for the  
(CCPA 1971). See also In re Gurley, 27  
94)  
and 20-21 are patentable distinct from claim 1  
employment of salts of known actives  
more obvious. Optimization of amounts or  
two compositions comprising the same  
more obvious, absent evidence to the contrary."  
eter, e.g., effective amount of actives,  
considered within the skill of the artisan. See,  
Appellants provide no evidence that the  
21 would lead to any unexpected benefit.  
fall together with claim 1.  
ns should be sustained.

Application/Control Number: 09/773,394  
Art Unit: 1617

Appellants aver unexpected benefits resi-  
forth evidence substantiating this belief. Evidenc  
convincing" In re Lohr, 137 USPQ 548 (CCPA  
commensurate with the scope of the subject mat  
1972). Note that attorney's arguments do not cor

Appellants then state that the Vinnar pat  
in its composition and method.

Note that Vinnar is a secondary referenc  
Veech. Moreover, Vinnar teaches that a compos  
ammonium can be employed in a parenteral nut  
Therefore the skilled artisan in possession of th  
conclude that alpha ketoglutarate alone as well  
be useful in treating post-traumatic patients sinc  
ketoglutarate and Veech teaches a composition  
ammonium.

In response to appellant's arguments ag  
nonobviousness by attacking references indivi  
combinations of references. See In re Keller, 6  
Merck & Co., 800 F.2d 1091, 231 USPQ 375 (

Appellants further argue "its seems mo  
want all of the components in a single compos  
be administered. Separating the components in